



## LODI CITY COUNCIL

Carnegie Forum  
305 West Pine Street, Lodi

## AGENDA – REGULAR MEETING

Date: December 5, 2012

Time: 7:00 p.m.

For information regarding this Agenda please contact:

**Randi Johl, City Clerk**  
**Telephone: (209) 333-6702**

**6:55 p.m. Invocation/Call to Civic Responsibility.** Invocations/Calls may be offered by any of the various religious and non-religious organizations within and around the City of Lodi. These are voluntary offerings of private citizens, to and for the benefit of the Council. The views or beliefs expressed by the Speaker have not been previously reviewed or approved by the Council, and the Council does not endorse the beliefs or views of any speaker.

***NOTE:** All staff reports or other written documentation relating to each item of business referred to on the agenda are on file in the Office of the City Clerk, located at 221 W. Pine Street, Lodi, and are available for public inspection. If requested, the agenda shall be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof. To make a request for disability-related modification or accommodation contact the City Clerk's Office as soon as possible and at least 24 hours prior to the meeting date.*

**C-1 Call to Order / Roll Call – N/A**

**C-2 Announcement of Closed Session – N/A**

**C-3 Adjourn to Closed Session – N/A**

**NOTE: THE FOLLOWING ITEMS WILL COMMENCE NO SOONER THAN 7:00 P.M.**

**C-4 Return to Open Session / Disclosure of Action – N/A**

**A. Call to Order / Roll Call**

**B. Presentations**

B-1 Presentation to Retiring Members of Boards, Committees, Commissions, and Task Forces (CLK)

B-2 Presentation of Mayor's Community Service Award (CLK)

**C. Consent Calendar (Reading; Comments by the Public; Council Action)**

C-1 Receive Register of Claims in the Amount of \$1,775,336.03 (FIN)

C-2 Approve Minutes (CLK)

a) November 20 and 27, 2012 (Shirtsleeve Sessions)

b) November 21, 2012 (Regular Meeting)

C-3 Approve Plans and Specifications and Authorize Advertisement for Bids for the Zupo Field Outfield Wall Renovation Project (PRCS)

C-4 Approve Plans and Specifications and Authorize Advertisement for Bids for Water Meter Program Phase 3 (PW)

Res. C-5 Adopt Resolution Authorizing the City Manager to Execute Six-Month Extension of Contract with Dominguez Landscape Services, Inc., of Sacramento, for City-Funded Maintenance of Consolidated Landscaped Areas (\$76,323.12) (PW)

C-6 Set Public Hearing for December 19, 2012, to Extend Interim Ordinance No. 1867, an Uncodified Interim Urgency Ordinance Imposing a Moratorium on 1) the Outdoor Cultivation of Medical Marijuana within the City of Lodi and 2) the Indoor Cultivation of Medical Marijuana that Creates a Public Nuisance (CA)

**D. Comments by the Public on Non-Agenda Items**

THE TIME ALLOWED PER NON-AGENDA ITEM FOR COMMENTS MADE BY THE PUBLIC IS LIMITED TO FIVE MINUTES.

The City Council cannot deliberate or take any action on a non-agenda item unless there is factual evidence presented to the City Council indicating that the subject brought up by the public does fall into one of the exceptions under Government Code Section 54954.2 in that (a) there is an emergency situation, or (b) the need to take action on the item arose subsequent to the agenda's being posted.

Unless the City Council is presented with this factual evidence, the City Council will refer the matter for review and placement on a future City Council agenda.

**E. Comments by the City Council Members on Non-Agenda Items**

**F. Comments by the City Manager on Non-Agenda Items**

**G. Public Hearings – None**

**H. Communications**

H-1 Appointments to the Lodi Animal Advisory Commission, Lodi Senior Citizens Commission, Recreation Commission, and the San Joaquin Valley Unified Air Pollution Control District Citizens Advisory Committee (CLK)

**I. Regular Calendar – None**

**J. Ordinances – None**

**K. Reorganization of the City Council**

- Res. K-1 Resolution Certifying the Election Results of the November 6, 2012, General Municipal Election
- K-2 Presentation to Outgoing Mayor
- K-3 City Clerk to Administer the Oath of Office to Lodi City Council Members Elect and Present Certificates of Election
- K-4 Reorganization of the Lodi City Council
- Res. a) Election of Mayor
- Res. b) Election of Mayor Pro Tempore

**L. Adjournment**

Pursuant to Section 54954.2(a) of the Government Code of the State of California, this agenda was posted at least 72 hours in advance of the scheduled meeting at a public place freely accessible to the public 24 hours a day.

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Randi Johl  
City Clerk



## CITY OF LODI COUNCIL COMMUNICATION

**AGENDA TITLE:** Presentation to Retiring Members of Boards, Committees, Commissions, and Task Forces

**MEETING DATE:** December 5, 2012

**PREPARED BY:** City Clerk

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**RECOMMENDED ACTION:** Mayor Mounce to present certificates of recognition to retiring members of boards, committees, commissions, and task forces.

**BACKGROUND INFORMATION:** Each year, the City extends its appreciation to citizens who generously volunteer their time and talents toward serving their community by recognizing those who retired during the past year. Mayor Mounce will present Certificates of Recognition to the following retirees:

Greater Lodi Area Youth Commission

Student Members

Tyler Bartlam	2011 – 2012
Kinsey Green	2011 – 2012
Carson Kautz	2010 – 2012
Alex Maldonado	2010 – 2012
Kelley McConahey	2010 – 2012
Dipa Patel	2011 – 2012
Allison Schatz	2010 – 2012

Adult Advisors

Jeffrey Palmquist	2006 – 2012
Summer Pennino	2006 – 2012

Lodi Animal Advisory Commission

Susan Blackston	2009 – 2012
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Lodi Arts Commission

Teri Turrentine	2010 – 2012
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Lodi Improvement Committee

Lisa Nixon	2011 – 2012
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**FISCAL IMPACT:** None required.

**FUNDING AVAILABLE:** None required.

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Randi Johl  
City Clerk

RJ/jmr

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APPROVED: \_\_\_\_\_  
Konradt Bartlam, City Manager



## **CITY OF LODI COUNCIL COMMUNICATION**

**AGENDA TITLE:** Presentation of Mayor's Community Service Award

**MEETING DATE:** December 5, 2012

**PREPARED BY:** City Clerk

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**RECOMMENDED ACTION:** Mayor Mounce to present the Mayor's Community Service Award to Tree Lodi representatives and Diane Steele.

**BACKGROUND INFORMATION:** Mayor Mounce has selected Tree Lodi and Diane Steele to receive the prestigious Mayor's Community Service Award for 2012. Representatives of Tree Lodi and Ms. Steele will be at the meeting to accept the awards.

**FISCAL IMPACT:** None required.

**FUNDING AVAILABLE:** None required.

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Randi Johl  
City Clerk

RJ/JMR

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**APPROVED:** \_\_\_\_\_  
Konradt Bartlam, City Manager



## **CITY OF LODI COUNCIL COMMUNICATION**

**AGENDA TITLE:** Receive Register of Claims through November 15, 2012 in the Total Amount of \$1,775,336.03.

**MEETING DATE:** December 5, 2012

**PREPARED BY:** Financial Services Manager

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**RECOMMENDED ACTION:** Receive the attached Register of Claims for \$1,775,336.03.

**BACKGROUND INFORMATION:** Attached is the Register of Claims in the amount of \$1,775,336.03 through 11/15/12. Also attached is Payroll in the amount of \$1,303,525.62.

**FISCAL IMPACT:** Not applicable.

**FUNDING AVAILABLE:** As per attached report.

\_\_\_\_\_  
Ruby R. Paiste, Financial Services Manager

RRP/rp

Attachments

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**APPROVED:** \_\_\_\_\_  
Konradt Bartlam, City Manager

Accounts Payable  
Council Report

Page - 1  
Date - 11/20/12  
Amount

As of Thursday	Fund	Name	Amount
11/15/12	00100	General Fund	1,050,578.83
	00123	Info Systems Replacement Fund	9,641.93
	00160	Electric Utility Fund	46,756.12
	00161	Utility Outlay Reserve Fund	1,098.95
	00164	Public Benefits Fund	2,875.60
	00170	Waste Water Utility Fund	55,556.28
	00171	Waste Wtr Util-Capital Outlay	5,440.00
	00180	Water Utility Fund	27,861.74
	00181	Water Utility-Capital Outlay	50,033.18
	00210	Library Fund	7,316.48
	00234	Local Law Enforce Block Grant	182.10
	00235	LPD-Public Safety Prog AB 1913	61.91
	00260	Internal Service/Equip Maint	52,589.61
	00270	Employee Benefits	18,413.76
	00300	General Liabilities	1,415.20
	00321	Gas Tax-2105,2106,2107	17,794.13
	00325	Measure K Funds	107,178.61
	00337	Traffic Congestion Relf-AB2928	2,871.40
	00340	Comm Dev Special Rev Fund	4,320.34
	00347	Parks, Rec & Cultural Services	41,227.52
	00502	L&L Dist Z1-Almond Estates	352.80
	00503	L&L Dist Z2-Century Meadows I	309.49
	00505	L&L Dist Z4-Almond North	67.14
	00506	L&L Dist Z5-Legacy I,II,Kirst	506.79
	00507	L&L Dist Z6-The Villas	437.48
	00509	L&L Dist Z8-Vintage Oaks	201.42
	00515	L&L Dist Z13	30.97
	00516	L&L Dist Z14-Luca Place	23.25
	00517	L&L Dist Z15-Guild Ave Indust.	29.90
	00518	L&L Dist Z16-W.Kettleman Comm.	5.37
	01211	Capital Outlay/General Fund	10,803.31
	01212	Parks & Rec Capital	470.25
	01241	LTF-Pedestrian/Bike	3,122.62
	01250	Dial-a-Ride/Transportation	133,372.14
	01251	Transit Capital	4,068.06
	01410	Expendable Trust	98,050.35
Sum			1,755,065.03
	00184	Water PCE-TCE-Settlements	231.00
	00185	PCE/TCE Rate Abatement Fund	15,960.00
	00190	Central Plume	4,080.00
Sum			20,271.00
Total Sum			1,775,336.03

## Council Report for Payroll

Page - 1  
Date - 11/20/12

Payroll	Pay Per Date	Co	Name	Gross Pay
Regular	11/11/12	00100	General Fund	836,897.81
		00160	Electric Utility Fund	123,261.11
		00161	Utility Outlay Reserve Fund	9,324.92
		00164	Public Benefits Fund	3,405.40
		00170	Waste Water Utility Fund	106,328.52
		00180	Water Utility Fund	10,675.21
		00210	Library Fund	29,010.86
		00235	LPD-Public Safety Prog AB 1913	1,445.87
		00239	CalGRIP	2,542.05
		00260	Internal Service/Equip Maint	15,509.35
		00321	Gas Tax-2105,2106,2107	27,389.57
		00340	Comm Dev Special Rev Fund	22,074.34
		00345	Community Center	148.10
		00347	Parks, Rec & Cultural Services	108,717.54
		01250	Dial-a-Ride/Transportation	6,794.97
Pay Period Total:				
Sum				1,303,525.62



## **CITY OF LODI COUNCIL COMMUNICATION**

**AGENDA TITLE:** Approve Minutes  
a) November 20, 2012 (Shirtsleeve Session)  
b) November 21, 2012 (Regular Meeting)  
c) November 27, 2012 (Shirtsleeve Session)

**MEETING DATE:** December 5, 2012

**PREPARED BY:** City Clerk

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**RECOMMENDED ACTION:** Approve the following minutes as prepared:  
a) November 20, 2012 (Shirtsleeve Session)  
b) November 21, 2012 (Regular Meeting)  
c) November 27, 2012 (Shirtsleeve Session)

**BACKGROUND INFORMATION:** Attached are copies of the subject minutes marked Exhibit A through C, respectively.

**FISCAL IMPACT:** None.

**FUNDING AVAILABLE:** None required.

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Randi Johl  
City Clerk

Attachments

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**APPROVED:** \_\_\_\_\_  
Konradt Bartlam, City Manager



**LODI CITY COUNCIL  
SHIRTSLEEVE SESSION  
CARNEGIE FORUM, 305 WEST PINE STREET  
TUESDAY, NOVEMBER 20, 2012**

A. Roll Call by City Clerk

An Informal Informational Meeting ("Shirtsleeve" Session) of the Lodi City Council was held Tuesday, November 20, 2012, commencing at 7:00 a.m.

Present: Council Member Hansen, Council Member Johnson, Council Member Katzakian, and Mayor Pro Tempore Nakanishi

Absent: Mayor Mounce

Also Present: City Manager Bartlam, City Attorney Schwabauer, and City Clerk Johl

B. Topic(s)

B-1 Receive Information on Street Improvement Alternatives for Peach Street and Willow Avenue (PW)

Deputy Public Works Director Charlie Swimley provided a PowerPoint presentation regarding street improvement alternatives on Peach Street and Willow Avenue. Specific topics of discussion included a location overview, background of both streets, alternatives for improvements for both streets, and related costs for alternatives.

In response to Council Member Johnson, Mr. Swimley stated examples of private improvements include existing landscaping and access to some of the properties.

In response to Council Member Hansen, Mr. Swimley stated problems regarding flooding are minimal although there are some puddles and drainage takes a little more time.

In response to Council Member Johnson, Mr. Swimley stated costs for Option 1 and Option 2 are comparable but Option 1 is slightly more expensive due to the cost of pavement.

In response to Council Member Katzakian, Mr. Swimley stated one alternative could be curb and gutter without sidewalk and staff can also take a look at Cochran Street.

In response to Council Member Hansen, Mr. Bartlam stated the topic was brought forward by a property owner and staff is bringing the matter forward for consideration purposes only without any specific recommendation.

In response to Mayor Pro Tempore Nakanishi, Mr. Bartlam stated street lights in the neighborhood exist on utility poles and there are several long-term residents that live in the area.

In response to Council Member Johnson, Mr. Swimley stated drainage in the area is more of a nuisance issue rather than a safety issue.

In response to Council Member Hansen, Mr. Swimley stated there was nothing different done in 1946 with respect to how future improvements in the area would be constructed.

In response to Mayor Pro Tempore Nakanishi, Mr. Bartlam stated there are a few streets in the City without curb, gutter, and sidewalk but overall this is a unique situation.

The following individuals spoke in opposition to the construction of any street improvements for

Peach Street and Willow Avenue based on previous agreements to not improve, costs for improvements, tough economic conditions, and preservation of the country feel in the area:

Eddie Wisner  
Diane Wisner  
Robert Wisner  
Jerry Manzel  
Tom Gooding  
John Keagg  
Rose Hayles  
Tom Burns

In response to Mayor Pro Tempore Nakanishi, City Attorney Schwabauer stated the process for creating an assessment includes property owner initiation, City Council approval, and majority approval from the neighborhood.

C. Comments by Public on Non-Agenda Items

None.

D. Adjournment

No action was taken by the City Council. The meeting was adjourned at 7:40 a.m.

ATTEST:

Randi Johl  
City Clerk

**LODI CITY COUNCIL  
REGULAR CITY COUNCIL MEETING  
CARNEGIE FORUM, 305 WEST PINE STREET  
WEDNESDAY, NOVEMBER 21, 2012**

C-1 Call to Order / Roll Call - N/A

C-2 Announcement of Closed Session - N/A

C-3 Adjourn to Closed Session - N/A

C-4 Return to Open Session / Disclosure of Action - N/A

A. Call to Order / Roll Call

The Regular City Council meeting of November 21, 2012, was called to order by Mayor Mounce at 7:00 p.m.

Present: Council Member Hansen, Council Member Johnson, Council Member Katzakian, Mayor Pro Tempore Nakanishi, and Mayor Mounce

Absent: None

Also Present: City Manager Bartlam, City Attorney Schwabauer, and City Clerk Johl

B. Presentations

B-1 Presentation by Assembly Member Berryhill Regarding City's Participation in the HEAL Program (CLK)

This item was pulled from the agenda by staff at the request of the presenter.

B-2 Presentation by Hospice of San Joaquin Regarding 2012 Tree of Lights (CM)

Julie Wetteland, Butterfly Auxiliary Lodi Chapter President, made a presentation regarding the 2012 Hospice Tree Lighting in the City of Lodi, which will take place the evening of December 6, 2012, in front of Lodi City Hall.

B-3 Quarterly Update by the Greater Lodi Area Youth Commission (PRCS)

Anthony Sorbera and Lauren Youngsma, members of the Greater Lodi Area Youth Commission, gave an update on the activities and accomplishments of the Greater Lodi Area Youth Commission.

C. Consent Calendar (Reading; Comments by the Public; Council Action)

Council Member Johnson made a motion, second by Council Member Katzakian, to approve the following items hereinafter set forth, **except those otherwise noted**, in accordance with the report and recommendation of the City Manager.

**VOTE:**

The above motion carried by the following vote:

Ayes: Council Member Hansen, Council Member Johnson, Council Member Katzakian, Mayor Pro Tempore Nakanishi, and Mayor Mounce

Noes: None

Absent: None

C-1 Receive Register of Claims in the Amount of \$5,983,091.67 (FIN)

Claims were approved in the amount of \$5,983,091.67.

C-2 Approve Minutes (CLK)

The minutes of November 6, 2012 (Shirtsleeve Session), November 7, 2012 (Regular Meeting), and November 13, 2012 (Shirtsleeve Session) were approved as written.

C-3 Approve Plans and Specifications and Authorize Advertisement for Bids for Pumping Equipment Replacement and Improvements at Well No. 19 (PW)

Approved the plans and specifications and authorized advertisement for bids for pumping equipment replacement and improvements at Well No. 19.

C-4 Accept Improvements Under Contract for 2012 Streets Crack Sealing Project (PW)

Accepted the improvements under contract for 2012 Streets Crack Sealing Project.

C-5 Accept Improvements Under Contract for 2012 Alley Reconstruction Project (PW)

Accepted the improvements under contract for 2012 Alley Reconstruction Project.

C-6 Adopt Resolution Accepting Improvements Under Contract for Hutchins Street Reconstruction Project and Appropriating Funds (\$186,722) (PW)

Adopted Resolution No. 2012-179 accepting improvements under contract for Hutchins Street Reconstruction Project and appropriating funds in the amount of \$186,722.

C-7 Adopt Resolution Accepting Improvements Under Contract for 2012 Disabled Access Improvements, Various Locations, and Appropriating Funds (\$48,001) (PW)

Adopted Resolution No. 2012-180 accepting improvements under contract for 2012 Disabled Access Improvements, Various Locations, and appropriating funds in the amount of \$48,001.

C-8 Adopt Resolutions Authorizing the City Manager to Execute Third Amendment to Woodbridge Irrigation District Water Purchase Agreement and Lease Agreement for Assessor Parcel No. 015-160-16 (PW)

This item was pulled for further discussion by Mayor Pro Tempore Nakanishi.

In response to Mayor Pro Tempore Nakanishi, Mr. Bartlam confirmed that the proposed amendment extends the amount of time to utilize the purchased water, the amendment is necessary to facilitate operations at the new water treatment plant, and there are no further amendments pending.

In response to Mayor Mounce, Mr. Bartlam stated staff was aware that this amendment would be necessary.

In response to Council Member Katzakian, Public Works Director Wally Sandelin confirmed that the State issued the permit for the new water treatment plant to operate and discharge water and the intent is to use between seven and eight acre feet per year instead of six.

Mayor Pro Tempore Nakanishi made a motion, second by Council Member Katzakian, to adopt Resolution No. 2012-186 authorizing the City Manager to execute Third Amendment to Woodbridge Irrigation District Water Purchase Agreement and Resolution No. 2012-187 authorizing the City Manager to execute Lease Agreement for Assessor Parcel No. 015-160-16.

VOTE:

The above motion carried by the following vote:

Ayes: Council Member Hansen, Council Member Johnson, Council Member Katzakian, Mayor Pro Tempore Nakanishi, and Mayor Mounce

Noes: None

Absent: None

C-9 Adopt Resolution Authorizing the City Manager to Execute Amendment No. 1 of the Professional Services Agreement with ICR Refrigeration, Inc., of Lodi, for Citywide Heating, Ventilation, and Air Conditioning Maintenance Services on City Facilities (\$70,000) (PW)

Adopted Resolution No. 2012-181 authorizing the City Manager to execute Amendment No. 1 of the Professional Services Agreement with ICR Refrigeration, Inc., of Lodi, for Citywide heating, ventilation, and air conditioning maintenance services on City facilities in the amount of \$70,000.

C-10 Adopt Resolution Authorizing the City Manager to Execute a Professional Services Agreement with Environmental Systems Research Institute, Inc., of Redlands, for Geographical Information System Services and Appropriating Funds (\$72,000) (EUD)

Adopted Resolution No. 2012-182 authorizing the City Manager to execute a Professional Services Agreement with Environmental Systems Research Institute, Inc., of Redlands, for geographical information system services and appropriating funds in the amount of \$72,000.

C-11 Adopt Resolution Authorizing the City Manager to Execute Contract with Diede Construction, Inc., of Woodbridge, for Directional Boring and Conduit Installation (\$300,000) (EUD)

Adopted Resolution No. 2012-183 authorizing the City Manager to execute contract with Diede Construction, Inc., of Woodbridge, for directional boring and conduit installation in the amount of \$300,000.

C-12 Authorize the City Manager to Enter into Consent for Assignment Agreement with Co-Occupational Medical Partners for Annual Department of Transportation Physicals for the Fire Department (FD)

Authorized the City Manager to enter into Consent for Assignment Agreement with Co-Occupational Medical Partners for annual Department of Transportation physicals for the Fire Department.

C-13 Adopt Resolution Authorizing the Chief of Police to Enter into an Agreement with the City of Stockton to Participate in the Community Corrections Task Force, Accepting AB 109 Funding for One Additional Police Officer Position, and Appropriating Funds (\$161,334) (PD)

This item was pulled for further discussion by Council Member Hansen.

In response to Council Member Hansen, Police Chief Mark Helms provided a brief overview of the proposed agreement to participate in the Community Corrections Task Force as set forth in

the staff report.

In response to Mayor Pro Tempore Nakanishi, Chief Helms stated the total amount to be received by the County is approximately \$15 million and while there is no guarantee of funding for the future, the funding for the next year will remain the same.

Council Member Johnson made a motion, second by Council Member Hansen, to adopt Resolution No. 2012-188 authorizing the Chief of Police to enter into an agreement with the City of Stockton to participate in the Community Corrections Task Force, accepting AB 109 funding for one additional Police Officer position, and appropriating funds in the amount of \$161,334.

VOTE:

The above motion carried by the following vote:

Ayes: Council Member Hansen, Council Member Johnson, Council Member Katzakian, Mayor Pro Tempore Nakanishi, and Mayor Mounce

Noes: None

Absent: None

C-14 Adopt Resolution Authorizing the Lodi Police Department to Participate in a Selective Traffic Enforcement Program Grant Funded by the Office of Traffic Safety and Appropriating Funds (\$18,326) (PD)

Adopted Resolution No. 2012-184 authorizing the Lodi Police Department to participate in a Selective Traffic Enforcement Program Grant funded by the Office of Traffic Safety and appropriating funds in the amount of \$18,326.

C-15 Adopt Resolution Ratifying Employment Agreement Entered into Between the City of Lodi and Jeffrey L. Hood (CM)

This item was pulled for a separate vote by Mayor Mounce based on her opposition to the severance clause consistent with her prior actions on similar employment agreements.

Council Member Johnson made a motion, second by Council Member Katzakian, to adopt Resolution No. 2012-189 ratifying Employment Agreement entered into between the City of Lodi and Jeffrey L. Hood.

VOTE:

The above motion carried by the following vote:

Ayes: Council Member Hansen, Council Member Johnson, Council Member Katzakian, and Mayor Pro Tempore Nakanishi

Noes: Mayor Mounce

Absent: None

C-16 Adopt Resolution Approving CalPERS Employer Paid Member Contributions (CM)

Adopted Resolution No. 2012-185 approving CalPERS employer paid member contributions.

C-17 Set Public Hearing for December 19, 2012, to Consider Adopting Resolution Setting Pre-Approved Engineering News Record Adjustment Index for Usage-Based and Flat Water Rates (PW)

Set public hearing for December 19, 2012, to consider adopting resolution setting pre-approved Engineering News Record adjustment index for usage-based and flat water rates.

D. Comments by the Public on Non-Agenda Items

THE TIME ALLOWED PER NON-AGENDA ITEM FOR COMMENTS MADE BY THE PUBLIC IS LIMITED TO FIVE MINUTES. The City Council cannot deliberate or take any action on a non-agenda item unless there is factual evidence presented to the City Council indicating that the subject brought up by the public does fall into one of the exceptions under Government Code Section 54954.2 in that (a) there is an emergency situation, or (b) the need to take action on the item arose subsequent to the agenda's being posted. Unless the City Council is presented with this factual evidence, the City Council will refer the matter for review and placement on a future City Council agenda.

None.

E. Comments by the City Council Members on Non-Agenda Items

Council Member Hansen provided a brief report regarding his attendance at the San Joaquin Delta College Board of Trustees meeting, the history of the proposed campus in Lodi, the status of the funding for the Lodi campus which is now \$10 million versus \$15 million due to the \$5 million diversion to the planetarium, and the overall intent of the voters who passed Proposition L to ensure a Delta College presence in Lodi.

Mayor Pro Tempore Nakanishi congratulated Mayor Mounce and Council Member Johnson on their reelection to the City Council.

F. Comments by the City Manager on Non-Agenda Items

City Manager Bartlam wished everyone a Happy Thanksgiving.

G. Public Hearings

G-1 Public Hearing to Consider Unmet Transit Needs in Lodi (PW)

Notice thereof having been published according to law, an affidavit of which publication is on file in the office of the City Clerk, Mayor Mounce called for the public hearing to consider unmet transit needs in Lodi.

Public Works Director Wally Sandelin provided a brief overview of the status and process associated with conducting the public hearing for unmet transit needs as outlined in the staff report.

Mayor Mounce opened the public hearing.

Cliff Weaver spoke in regard to his concerns about poor customer service from transit staff and punctuality of the system.

Mayor Mounce closed the public hearing after receiving no further public comments.

In response to Mayor Pro Tempore Nakanishi, Mr. Sandelin stated the only complaint consistently received is that from Mr. Weaver and routine checks confirm that the system is operating pursuant to federal standards and guidelines.

In response to Mayor Mounce, City Attorney Schwabauer stated the City cannot be held liable under HIPPA but he will research Mr. Weaver's comment regarding unauthorized release of medical information.

In response to Mayor Mounce, Mr. Sandelin stated ghost riders do ride the transit system from time to time to ensure compliance with all laws and he will share information regarding timing rosters and ghost riders with the City Council as requested.

Mayor Pro Tempore Nakanishi suggested a letter regarding sensitivity issues for riders be sent to operators as a means to improve customer service.

G-2 Public Hearing to Consider Adopting Resolution Confirming the 2013 Annual Report and Levy of Assessments within the Lodi Tourism Business Improvement District (CM)

Notice thereof having been published according to law, an affidavit of which publication is on file in the office of the City Clerk, Mayor Mounce called for the public hearing to consider adopting resolution confirming the 2013 Annual Report and levy of assessments within the Lodi Tourism Business Improvement District.

City Manager Bartlam provided a brief overview of the proposed public hearing, acceptance of the annual report, and the assessment levy as set forth in the staff report.

Mayor Mounce opened the public hearing and, receiving no comments, closed the public hearing.

Council Member Hansen made a motion, second by Council Member Johnson, to adopt Resolution No. 2012-190 confirming the 2013 Annual Report and levy of assessments within the Lodi Tourism Business Improvement District.

VOTE:

The above motion carried by the following vote:

Ayes: Council Member Hansen, Council Member Johnson, Council Member Katzakian, Mayor Pro Tempore Nakanishi, and Mayor Mounce

Noes: None

Absent: None

H. Communications

H-1 Monthly Protocol Account Report (CLK)

Council Member Johnson made a motion, second by Council Member Hansen, to approve the cumulative Monthly Protocol Account Report through October 31, 2012.

VOTE:

The above motion carried by the following vote:

Ayes: Council Member Hansen, Council Member Johnson, Council Member Katzakian, Mayor Pro Tempore Nakanishi, and Mayor Mounce

Noes: None

Absent: None

I. Regular Calendar - None

J. Ordinances

J-1 Adopt Ordinance No. 1866 Entitled, "An Ordinance of the City Council of the City of Lodi Authorizing an Amendment to the Contract Between the City Council of the City of Lodi and the Board of Administration of the California Public Employees' Retirement System" (CLK)



Council Member Johnson made a motion, second by Council Member Katzakian, (following reading of the title) to waive reading of the ordinance in full and adopt and order to print Ordinance No. 1866 entitled, "An Ordinance of the City Council of the City Lodi Authorizing an Amendment to the Contract Between the City Council of the City of Lodi and the Board of Administration of the California Public Employees' Retirement System," which was introduced at a special meeting of the Lodi City Council held October 30, 2012.

VOTE:

The above motion carried by the following vote:

Ayes: Council Member Hansen, Council Member Johnson, Council Member Katzakian, Mayor Pro Tempore Nakanishi, and Mayor Mounce

Noes: None

Absent: None

K. Adjournment

There being no further business to come before the City Council, the meeting was adjourned at 8:00 p.m., in memory of Patricia J. Corlett and Gordon "Gorrie" Herr.

ATTEST:

Randi Johl  
City Clerk

**LODI CITY COUNCIL  
SHIRTSLEEVE SESSION  
CARNEGIE FORUM, 305 WEST PINE STREET  
TUESDAY, NOVEMBER 27, 2012**

A. Roll Call by City Clerk

An Informal Informational Meeting ("Shirtsleeve" Session) of the Lodi City Council was held Tuesday, November 27, 2012, commencing at 7:05 a.m.

Present: Council Member Hansen, Council Member Johnson, and Mayor Pro Tempore Nakanishi

Absent: Council Member Katzakian, and Mayor Mounce

Also Present: City Manager Bartlam, City Attorney Schwabauer, and City Clerk Johl

B. Topic(s)

B-1 Public Benefits and Solar Funds Update (EUD)

Electric Utility Director Elizabeth Kirkley and Customer Services and Programs Manager Rob Lechner provided a PowerPoint presentation regarding the public benefits and solar funds update. Specific topics of discussion included an overview of the Public Benefits program, program budget, program fund, potential customer projects, potential City projects, energy efficiency goals and targets, solar program and fund, solar systems installed, solar rebate program funding, electric vehicles, and charging stations.

In response to Council Member Hansen, Mr. Lechner stated typically funds for customer rebates are not fully spent due largely to the economy and saturation of programs such as the refrigeration program.

In response to Mayor Pro Tempore Nakanishi, Mr. Bartlam confirmed the gross sales revenue is 2.85% and state law does not require the City to spend every dollar immediately, only that it is spent fully at some time in the future.

In response to Council Member Hansen, Mr. Lechner stated the program outreach between the utility and appliance dealers is good and the appliance program remains the best customer program because it is most economical.

In response to Council Member Hansen, Mr. Lechner stated the City did partner with the County on the weather stripping program as a part of the stimulus package and some Lodi residents did utilize that program.

In response to Council Member Johnson, Mr. Lechner stated the vendor that used to conduct the home energy audits recently retired and staff is in the process of looking for another vendor to continue conducting that program.

In response to Council Member Johnson, Mr. Lechner stated the maximum amount that can be borrowed for energy retrofitting at the current time is \$50,000 and staff will be bringing forward options to increase that amount to \$150,000 to further entice the bigger customers to do large-scale energy efficiency projects.

In response to Mayor Pro Tempore Nakanishi, Mr. Lechner stated the loan program is approximately a year and a half old and currently there are 15 customers in the program.

In response to Council Member Hansen, Mr. Bartlam stated the street light program through the State will reduce operational costs thereby reducing costs for all residents. Mr. Lechner confirmed that the new LED lights are more energy efficient and lighter in color and the cost has also come down over the past few years. Mr. Lechner confirmed that staff can research changing the lighting on Lodi Avenue through the new lighting program.

In response to Mayor Pro Tempore Nakanishi, Mr. Bartlam confirmed that there are some streets in the City that do not have street lights because the residents do not want them.

In response to Council Member Hansen, Mr. Lechner stated there are funds for the Municipal Service Center lighting retrofit, Hutchins Street Square heating, ventilation, and air conditioning (HVAC), Civic Center HVAC, and City Hall Annex lighting retrofit projects.

In response to Council Member Johnson, Mr. Lechner stated the percentage split for public and private projects currently is about 50-50.

In response to Council Member Hansen, Mr. Bartlam and Mr. Lechner confirmed that the street lighting retrofit project would be contracted out and come back to the City Council for approval.

In response to Mayor Pro Tempore Nakanishi, Mr. Lechner provided a brief overview of the timing for the four City projects in order to meet the State deadline. Mr. Lechner stated the State requires reasonable targets for energy efficiency goals, which the City of Lodi has, and there is no real penalty for non-compliance.

In response to Council Member Hansen, Mr. Lechner confirmed that technology has improved greatly and therefore brought the costs of solar projects down.

In response to Council Member Johnson, Mr. Lechner provided a brief overview of how the solar funds have been spent over the past few years on both the residential and commercial side.

In response to Mayor Pro Tempore Nakanishi, Mr. Lechner confirmed that the solar program funds for residential and commercial are dispersed on a first come, first serve basis.

In response to Council Member Johnson, Mr. Lechner stated the seven charging heads for electric vehicles from the State are free, there are some public funds used for the installation of the stations, and some costs are recouped through a credit card swipe for use of the station. Mr. Lechner stated he is aware of five electric vehicles in the City currently, three for the City and two privately-owned.

In response to Council Member Hansen, Mr. Lechner stated the location of the charge stations is based on State requirements and are intended to be centrally located.

In response to Council Member Johnson, Mr. Lechner stated the State requires that the charging stations be publicly accessible on municipally-owned property as a condition of the grant program.

In response to Mayor Pro Tempore Nakanishi, Mr. Lechner and Mr. Bartlam confirmed that Sacramento, Galt, and a few cities in Southern California are pursuing similar programs although there is a bit of a difference with a municipal utility versus privately-owned utilities such as PG&E.

In response to Myrna Wetzel, Mr. Lechner provided an overview of the costs and timing associated with operating and charging an electric vehicle. Mr. Bartlam confirmed that only those with a credit card or ATM card will be able to use the charge station with the swipe mechanism.

C. Comments by Public on Non-Agenda Items

None.

D. Adjournment

No action was taken by the City Council. The meeting was adjourned at 8:05 a.m.

ATTEST:

Randi Johl  
City Clerk



## **CITY OF LODI COUNCIL COMMUNICATION**

**AGENDA TITLE:** Approve Plans and Specifications and Authorize Advertisement for Bid for the Zupo Field Outfield Wall Renovation Project

**MEETING DATE:** December 5, 2012

**PREPARED BY:** Parks, Recreation and Cultural Services Director

---

**RECOMMENDED ACTION:** Approve plans and specifications and authorize advertisement for bid for the Zupo Field Outfield Wall Renovation Project.

**BACKGROUND INFORMATION:** The existing outfield wall at Zupo Field is currently constructed of plywood panels and wood stringers that are supported by metal posts. The vast majority of this aged material is in very poor condition. Users of the adjacent Lawrence Park have been able to enter Zupo Field by pushing through rotted wooden fencing.

A representative of American Legion baseball – which uses Zupo Field -- and park staff have discussed solutions to replacing the deteriorated outfield wall. Based on our discussions, as well as by consulting other park facility managers, staff recommends replacing the existing outfield wall wings with privacy chain-link fencing. The chain-link has a long lifespan and requires little maintenance.

Mark Armstrong, an advocate for American Legion baseball, has offered to lead a fund-raising effort that would provide a source of funds for this renovation project. On November 14, 2012, the board of directors for the Boosters of Boys and Girls Sports (BOBS) voted to accept donations raised by Mr. Armstrong and deliver them to the City. The BOBS have committed \$25,000 to this project, as shown in the attached letter from President Eddie Long. Based on initial estimates from a variety of fencing contractors, \$25,000 will cover project costs.

Plans and specifications are on file in the Recreation Division office at 125 N. Stockton Street.

This subject was brought to the Recreation Commission for action on December 4, 2012. A blue sheet indicating the Commission's recommendation to the City Council will be distributed at this meeting.

Parks Division staff will be responsible for project oversight, assembling and training volunteers, specific field work and supplying temporary construction fencing. Several volunteer groups, including the BOBS, have offered to help with numerous components of the overall project through the park superintendent's supervision. The project demolition is slated to start February 11, 2013, with a completion date of February 18, 2013, in time for the start of baseball season.

**FISCAL IMPACT:** This renovation project will have an immediate effect on ongoing maintenance expenses. The projected life of the new fencing will be a minimum of 20 years.

---

**APPROVED:** \_\_\_\_\_  
Konradt Bartlam, City Manager

Adopt Resolution Approving Plans and Specifications and Authorize Advertisement for Bid for the Zupo Field Outfield Wall Renovation Project

**FUNDING AVAILABLE:** The BOBS have committed up to \$25,000 for this project.

---

Jeff Hood  
Director  
Parks, Recreation and Cultural Services Department

cc: City Attorney



## Boosters of Boys/Girls Sports Organization

Parks & Recreation Department: 125 N. Stockton Street / Lodi, California 95240

Telephone (209) 333-6742



November 19, 2012

### **B.O.B.S. EXECUTIVE BOARD OFFICERS**

EDDIE LONG, PRESIDENT  
JOHN PORTSCHELLER, V.P.  
ROB SHEPARD, SECRETARY  
STEVE BROWN, TREASURER

### **BOARD OF DIRECTORS**

RON BARONE  
DAN BELDEN  
TED COFFEE  
RICK ENGELHARDT  
THOMAS GORDNER  
CHRIS HARRIS  
MIKE HARTUNG  
RAY HUEY JR  
JAY KRANICH  
JORDAN KRANICH  
BOB LENTZ  
TONI MEYERS  
ROBERT PAINE  
KIM RUOFF  
DRAKE SHERMAN  
RACHELLE SOTO

GRANT PLATH  
ADVISOR

TO: The City of Lodi Parks & Recreation, Cultural Services

FROM: The Boosters of Boys/Girls Sports (B.O.B.S.)

The Board of Directors of the Boosters of Boys/Girls Sports Organization voted in favor on a recent motion which stated "The B.O.B.S. will allocate up to and not exceeding \$25,000 for a project that replaces the outfield fence at Tony Zupo Field". The project will be spearheaded by the Lodi Legion Baseball group. The Lodi Legion Baseball program is an existing activity which is sponsored by the B.O.B.S. The proposed completion date for this fence replacement project donation is set for March 1, 2013

Respectfully submitted,

B.O.B.S. President















## **CITY OF LODI COUNCIL COMMUNICATION**

TM

**AGENDA TITLE:** Approve Plans and Specifications and Authorize Advertisement for Bids for Water Meter Program Phase 3

**MEETING DATE:** December 5, 2012

**PREPARED BY:** Public Works Director

---

**RECOMMENDED ACTION:** Approve plans and specifications and authorize advertisement for bids for Water Meter Program Phase 3.

**BACKGROUND INFORMATION:** At the May 2, 2007 City Council meeting, the Water Meter Retrofit Policy was adopted. The primary objectives of the Water Meter Retrofit Policy were to accelerate the installation of residential water meters and shorten the time period during which customers would be paying for water on flat rate versus on usage base.

At the October 20, 2010 City Council meeting, a seven-year construction phasing was approved and the property owner meter payment was capped at \$300 per parcel. The first of seven construction projects was awarded by Council in March 2011 and included the installation of 3,698 meters and the replacement of 4,220 feet of water main. The second construction project was awarded in March 2012 and included the installation of 2,111 meters and the replacement of 26,350 feet (five miles) of water main. The project area for Phase 3 is presented in Exhibit A and includes the installation of 1,465 meters and the replacement of 20,230 feet (3.8 miles) of water main. The estimated construction cost of \$4.176 million (including the cost of the water meters and ERTs) is in line with previous estimates. Construction is expected to begin in April and conclude in November 2013.

Plans and specifications for the project are on file in the Public Works Department. The planned bid opening date is February 6, 2013.

**FISCAL IMPACT:** Water main leak and service repairs will be reduced. No additional costs will be incurred for reading of the meters as they are automatically read concurrent with the reading of the electric meters.

**FUNDING AVAILABLE:** Funding will be identified at project award.

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F. Wally Sandelin  
Public Works Director

FWS/pmf  
Attachment  
cc: Larry Parlin, Deputy Public Works Director – Utilities  
Tony Valdivia, RMC Water and Environment

---

**APPROVED:** \_\_\_\_\_  
Konradt Bartlam, City Manager

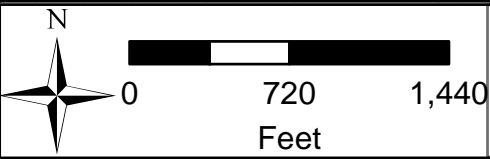
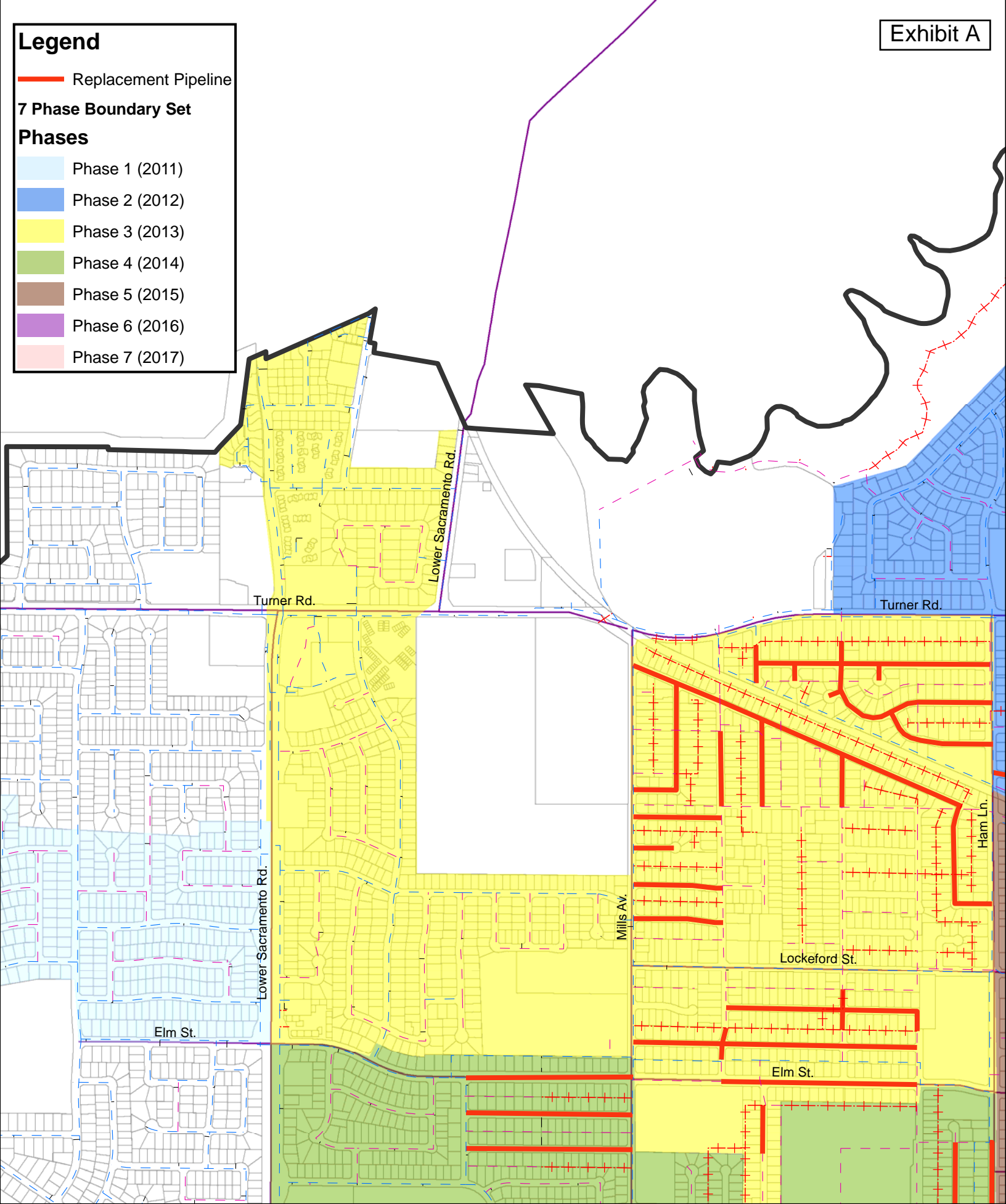
**Legend**

Replacement Pipeline

7 Phase Boundary Set

**Phases**

- Phase 1 (2011)
- Phase 2 (2012)
- Phase 3 (2013)
- Phase 4 (2014)
- Phase 5 (2015)
- Phase 6 (2016)
- Phase 7 (2017)





# CITY OF LODI

## COUNCIL COMMUNICATION

TM

**AGENDA TITLE:** Adopt Resolution Authorizing City Manager to Execute Six-Month Extension of Contract with Dominguez Landscape Services, Inc., of Sacramento, for City-Funded Maintenance of Consolidated Landscaped Areas (\$76,323.12)

**MEETING DATE:** December 5, 2012

**PREPARED BY:** Public Works Director

**RECOMMENDED ACTION:** Adopt resolution authorizing City Manager to execute six-month extension of contract with Dominguez Landscape Services, Inc., of Sacramento, for City-funded maintenance of consolidated landscaped areas, in the amount of \$76,323.12.

**BACKGROUND INFORMATION:** The original project consisted of three separate groups: Group A – Maintenance of Turf and Miscellaneous Landscape Areas, Group B – Maintenance of Lower Sacramento Road and Adjacent Landscape Areas, and Group C – Maintenance of Cherokee Lane and Adjacent Landscape Areas. This year, two change orders were executed. In February, Change Order No. 1 expanded a portion of East Lodi Avenue. In August, Change Order No. 2 incorporated portions of the Harney Lane landscape area. The project costs for 2013 are shown in more detail below.

	<b>2012 Total Cost</b>	<b>Monthly Cost</b>	<b>2013 Cost</b>
Contract Amount	\$149,742.96	\$12,478.58	\$74,871.48
Change Order 1	\$1,225.00	\$122.50	\$735.00
Change Order 2	\$477.76	\$119.44	\$716.64
Total	\$151,445.72	\$12,720.52	\$76,323.12

The proposed six-month contract extension is based on the existing contract price awarded to Dominguez Landscape Services, Inc., on November 17, 2010, plus maintenance areas added through change orders as described above. The extension is recommended so that the contract end date may be aligned with the fiscal year. The contractor has offered to extend the current contract prices through June 2013 with no cost increase and the work is being performed satisfactorily.

This work is separate from the landscape maintenance locations included in the Landscape Maintenance Assessment Districts that have been established in new developments.

**FISCAL IMPACT:** This contract extension maintains the existing landscape sites at a frequency level of once per month, along with quarterly pruning, with the turf areas serviced weekly.

**APPROVED:** \_\_\_\_\_  
Konradt Bartlam, City Manager

Resolution Authorizing City Manager to Execute Six-Month Extension of Contract with Dominguez Landscape Services, Inc., of Sacramento, for City-Funded Maintenance of Consolidated Landscaped Areas (\$76,323.12)

December 5, 2012

Page 2

**FUNDING AVAILABLE:** This project will be funded by General Fund, Utility, and Transit Operating accounts (102011, 103511, 125055, 160652, 170403, 170404, 180453, 210801, 516501, 518501, and 3215036).

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Jordan Ayers  
Deputy City Manager/Internal Services Director

---

F. Wally Sandelin  
Public Works Director

Prepared by Kathryn E. Garcia, Compliance Engineer  
FWS/KMG/pmf

cc: Deputy Public Works Director – Utilities  
Compliance Engineer



## SECOND CONTRACT EXTENSION AGREEMENT

### 2013 MAINTENANCE OF MISCELLANEOUS LANDSCAPE AREA ANNUAL CONTRACT

THIS CONTRACT EXTENSION AGREEMENT, made and entered this \_\_\_\_\_ day of December, 2012, by and between the CITY OF LODI, a municipal corporation, hereinafter called "Owner", and DOMINGUEZ LANDSCAPE SERVICES, INC., hereinafter called "Contractor."

#### WITNESSETH:

1. WHEREAS, Contractor and Owner entered into the 2011 Maintenance of Miscellaneous Landscape Area Contract on December 21, 2010, and entered into a Contract Extension Agreement on October 19, 2011. WHEREAS, both parties desire to extend the contract in accordance with Section 5.000 E. Option to Renew of the Special Provisions. WHEREAS, the contract incorporates additional work set forth in 2011 Contract Change Orders 1 and 2 approved on April 4, 2011 and May 5, 2011, and 2012 Contract Change Orders 1 and 2 approved on February 22, 2012 and August 23, 2012, respectively. WHEREAS, this contract extension shall not exceed the new contract price of \$76,323.12 for the duration of this extension.
2. TERM AND TERMS: The term of this Second Contract Extension Agreement shall be for a period of six (6) months, commencing January 1, 2013, and terminating June 30, 2013. All other terms and conditions will remain as set forth as reflected in the 2011 Maintenance of Miscellaneous Landscape Area Contract, attached hereto as Exhibit A; 2011 Contract Change Orders 1 and 2 and 2012 Contract Change Orders 1 and 2, attached hereto as Exhibit C; and the Contract Extension Agreement, attached hereto as Exhibit D, all of which are made a part hereof as though fully set forth herein.
3. INSURANCE: Contractor shall provide insurance as set forth in the attached Exhibit B, Insurance Requirements for Contractor.

IN WITNESS WHEREOF, Owner and Contractor have executed this Second Contract Extension Agreement on \_\_\_\_\_, 2012.

CITY OF LODI, a municipal corporation  
hereinabove called "Owner"

DOMINGUEZ LANDSCAPE SERVICES, INC.  
hereinabove called "Contractor"

\_\_\_\_\_  
KONRADT BARTLAM  
City Manager

\_\_\_\_\_  
ROBERT DOMINGUEZ  
President

Attest:

Approved as to Form:

\_\_\_\_\_  
RANDI JOHL, City Clerk

\_\_\_\_\_  
D. STEPHEN SCHWABAUER, City Attorney



## EXHIBIT A

**RECEIVED**

DEC 07 2010

**MAINTENANCE OF MISCELLANEOUS  
LANDSCAPE AREA 2011**

**CITY OF LODI**  
MUNICIPAL SERVICE CENTER

**CONTRACT**

THIS CONTRACT, made by and between the CITY OF LODI, State of California, herein referred to as "City" and Dominguez Landscape Services, Inc., herein referred to as "Contractor".

WITNESSETH: .

That the parties hereto have mutually covenanted and agreed, and by these presents do covenant and agree with each other, as follows:

The complete contract consists of the following documents which are incorporated herein by this reference, to-wit:

Notice Inviting Bids  
Information to Bidders  
General Provisions  
Special Provisions  
Bid Proposal  
Contract  
Vicinity Maps  
Group Listings  
Maintenance Schedule  
Water Conservation Ordinance

The July 1992 Edition Standard  
Specifications, State of California  
Business and Transportation Agency,  
Department of Transportation

All of the above documents, sometimes hereinafter referred to as the "Contract Documents," are intended to cooperate so that any work called for in one and not mentioned in the other is to be executed the same as if mentioned in all said documents.

**ARTICLE I** That for and in consideration of the payments and agreements hereinafter mentioned, the Contractor agrees with the City, at Contractor's cost and expense, to do all the work and furnish all the materials except such as are mentioned in the specifications to be furnished by the City, necessary to maintain in a good workmanlike and substantial manner to the satisfaction of the City the proposed maintenance of landscaped areas.

**ARTICLE II** The Contractor agrees to conform to the provisions of Chapter 1, Part 7, Division 2 of the Labor Code. The Contractor and any Subcontractor will pay the general prevailing wage rate and other employer payments for health and welfare, pension, vacation, travel time, and subsistence pay, apprenticeship or other training programs. The responsibility for compliance with these Labor Code requirements is on the prime contractor.

**ARTICLE III** And the Contractor agrees to receive and accept the following prices as full compensation for furnishing the work contemplated and embraced in this agreement; also for all loss or damage arising out of the nature of the work aforesaid or from the action of the elements, or from any unforeseen difficulties or obstructions which may arise or be encountered in the prosecution of the work until it's acceptance by the City, and for all risks of every description connected with the work; also for all expenses incurred by or in consequence of the suspension or discontinuance of work; and for well and faithfully completing the work, and the whole thereof, in the manner and according to the Contract Documents and the requirements of the Engineer under them, to-wit:



**ARTICLE IV** By my signature hereunder, as Contractor, I certify that I am aware of the provisions of Section 3700 of the Labor Code, which requires every employer to be insured against liability for Workers' Compensation or to undertake self-insurance in accordance with the provisions of that code, and I will comply with such provisions before commencing the performance of the work of this contract.

<u>ITEM</u>	<u>UNIT</u>	<u>ESTIMATED QUANTITY</u>	<u>UNIT PRICE</u>	<u>TOTAL ANNUAL PRICE</u>
<b>EXHIBIT GROUP A</b>				
1				
TURF SITES PER GROUP A - MOWING, PRUNING, WEED CONTROL, LITTER PICK UP, IRRIGATION MAINTENANCE PER SPECIFICATIONS				
	1	LS	<u>\$2,776.00/Month</u>	<u>\$33,312.00</u>
<b>EXHIBIT GROUP B</b>				
2				
SITES PER GROUP B - WEED CONTROL, LITTER PICK UP, ONCE PER MONTH, PRUNING ONCE PER THREE MONTHS, AS PER SPECIFICATIONS, IRRIGATION MAINTENANCE INCLUDED				
	1	LS	<u>\$6,970.00/Month</u>	<u>\$83,640.00</u>
<b>EXHIBIT GROUP C</b>				
3				
SITES PER GROUP C - WEED CONTROL, LITTER PICK UP, ONCE PER MONTH, PRUNING ONCE PER THREE MONTHS, AS PER SPECIFICATIONS, IRRIGATION MAINTENANCE INCLUDED				
	1	LS	<u>\$2,063.00/Month</u>	<u>\$24,756.00</u>
<b>TOTAL ANNUAL PRICE</b>				<u><b>\$141,710.00</b></u>

References must be submitted with bid proposal as described in Section 2.140

**ARTICLE V** It is further expressly agreed by and between the parties hereto that, should there be any conflict between the terms of this instrument and the Bid Proposal of the Contractor, then this instrument shall control and nothing herein shall be considered as an acceptance of the said terms of said proposal conflicting herewith.

WHEN SIGNING THIS CONTRACT, THE CONTRACTOR AGREES THAT THE PERIOD FOR THIS CONTRACT IS JANUARY 1, 2011 THROUGH DECEMBER 31, 2011, AND THE CONTRACTOR AGREES TO SUBMIT MONTHLY BILLINGS NO LATER THAN THE 10<sup>TH</sup> OF EACH MONTH.

IN WITNESS WHEREOF, the parties hereto have hereunder set their hands the day and year first written.

Dominquez Landscape Services, Inc.  
CONTRACTOR

Dated: Nov - 29, 2010

[Signature]  
Authorized Signature

President  
Title

Corporation  
TYPE OF ORGANIZATION  
Individual, Partnership or Corporation

(Affix corporate seal if Corporation)

8376 Rovana Circle  
Address

Sacramento, CA. 95828

(916) 381-8855  
Telephone

CITY OF LODI  
A Municipal corporation

[Signature]  
Konradt Bartlam  
City Manager

12-21-10  
Date

Attest:

[Signature]  
Randi Vohl  
City Clerk

12/21/10  
Date

Approved as to Form:

[Signature]  
D. Stephen Schwabauer  
City Attorney

12/21/10  
Date

**CITY OF LODI  
PUBLIC WORKS DEPARTMENT**

**CONTRACT CHANGE ORDER NO. 1**

Sheet 1 of 1  
Date March 31, 2011

Account No. 3215036

PROJECT: Maintenance of Miscellaneous Landscape Areas 2011, Extra Sites

CONTRACTOR: Dominguez Landscape Services, Inc

You are directed to make the following changes or do the following work not included in Plans and Specifications on this contract.

-----2011-----  
Add Reynolds Ranch sites U2025, U2027, U2026, U2076, U2077, U2086, V207, V2018, V2019, V2029, V2120, V2133, V2122, V2123, ~~V2133~~, V2137, V2126, V2147, as per attached quote for \$465.00 per month starting April 2011. **Total cost \$4,185.00**

Add E. Lodi Avenue sites L2190, M2209, M2201 as per the attached quote for \$156.00 per month starting April 2011. **Total cost \$1,404.00**

**Total Both Areas \$5,589.00**

**PERCENT OF  
CONTRACT**

Original Contract Price	\$141,708	
Total Cost of This Change Order NOT TO EXCEED		3.94%
Previous Change Orders	\$0	
Total Cost of All Change Orders to Date	\$5,589.00	3.94%
Contract Price, including All Change Orders, Will Be:	\$147,297.00	

Time of completion will be adjusted as follows: **N/A**

Submitted By Curtis Juran Date: March 31, 2011

Approval Recommended Chris Date 3-31-11

Approved, Public Works Director Wally Sandoz Date 4/4/11

Approved, City Manager (Per Public Works Policies and Procedures, Administration 4.1)

NA

Date \_\_\_\_\_

The undersigned contractor, having carefully considered the change proposed, agrees, if this proposal is approved, to provide all equipment, furnish all materials, except as otherwise noted above, perform all services necessary for the work above specified, and accept as full payment the prices shown above.

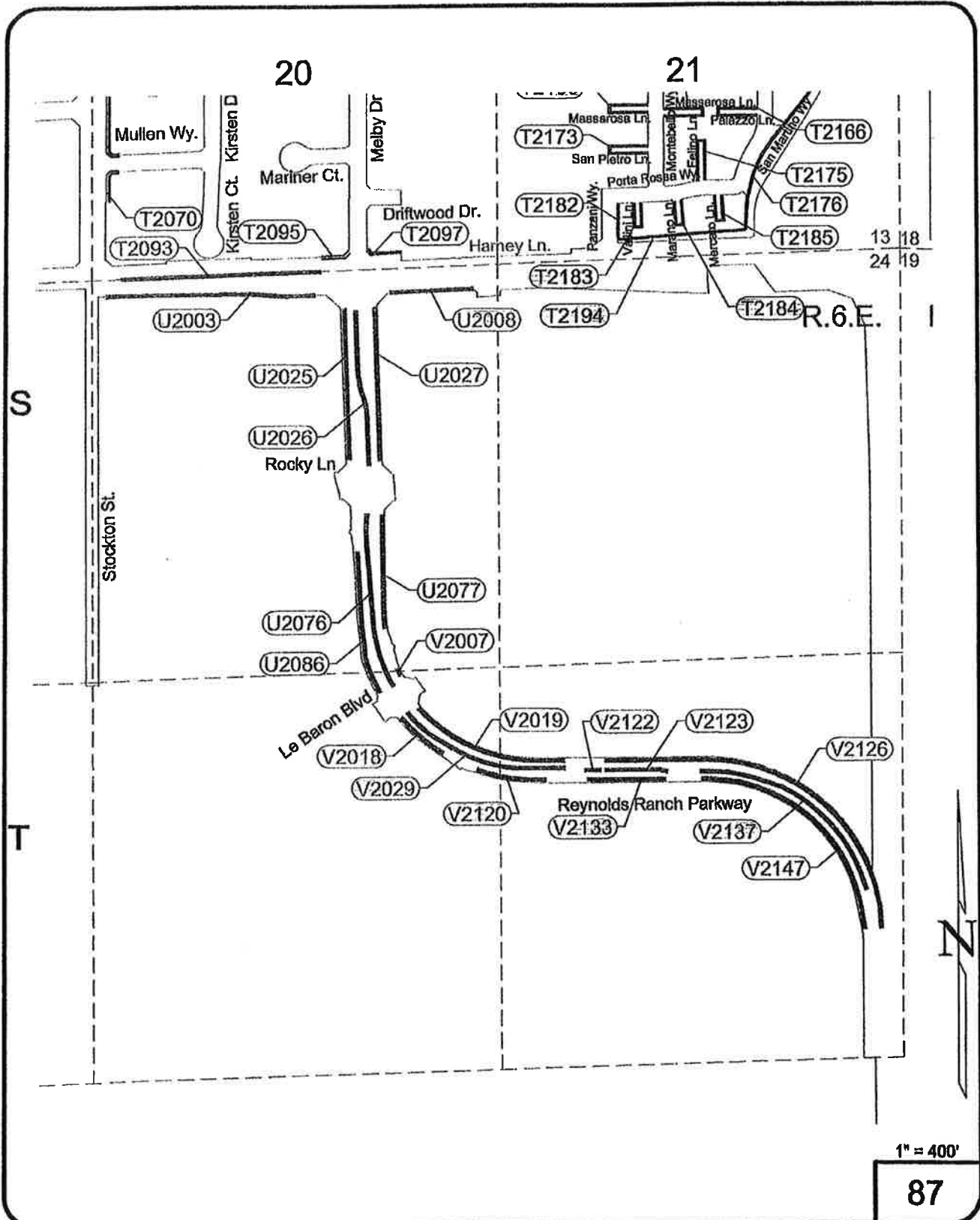
ACCEPTED: Date 3/31/11

Contractor Dominguez Landscape Services, Inc

By [Signature]

Title President

If the contractor does not sign acceptance of this order, the contractor should refer to Section 4-1.03A of the Standard Specifications regarding filing a written protest within the specified time.



1" = 400'

CITY OF LODI  
PUBLIC WORKS DEPARTMENT

CONTRACT CHANGE ORDER NO. 2

Sheet 1 of 1  
Date May 3, 2011  
Account No. 3215036  
CITY OF LODI  
MUNICIPAL SERVICE CENTER  
MAY 09 2011

PROJECT: Maintenance of Miscellaneous Landscape Areas 2011

CONTRACTOR: Dominguez Landscape Services, Inc

You are directed to make the following changes or do the following work not included in the Plans and Specifications on this contract.

Add additional area for E. Lodi Avenue sites M2201 as per the attached quote for \$48.58 per month starting May 2011. **Total cost \$388.64**

PERCENT OF  
CONTRACT

Original Contract Price	\$141,708	
Total Cost of This Change Order NOT TO EXCEED	\$388.61	0.27%
Previous Change Orders	\$5,589.00	3.94%
Total Cost of All Change Orders to Date	\$5,977.64	4.21%
Contract Price, Including All Change Orders, Will Be:	\$147,695.64	

Time of completion will be adjusted as follows: N/A

Submitted By Curtis Juran Date: May 3, 2011

Approval Recommended Chester Date 5-3-11

Approved, Public Works Director Wally Sanchez Date 5/5/11

Approved, City Manager (Per Public Works Policies and Procedures, Administration 4.1)

Date \_\_\_\_\_

The undersigned contractor, having carefully considered the change proposed, agrees, if this proposal is approved, to provide all equipment, furnish all materials, except as otherwise noted above, perform all services necessary for the work above specified, and accept as full payment the prices shown above.

ACCEPTED: Date 5/4/11

Contractor Dominguez Landscape Services, Inc

By [Signature]

Title President

If the contractor does not sign acceptance of this order, the contractor should refer to Section 4-1.03A of the Standard Specifications regarding filing a written protest within the specified time.

**DOMINGUEZ**  
*Landscape*  
**SERVICES INC.**

Specialists since 1980  
Residential • Commercial • Public Works  
Licensed: Class A & C-27  
State Contractor's License #560128

May 2, 2011

City of Lodi  
1331 South Ham Lane  
Lodi, CA 95241

ATTN: Curt Juran  
REF: City of Lodi Landscape Maintenance  
SUB: M2201 - Lodi Ave. @ Cherokee Ln.

Dear Mr. Juran:

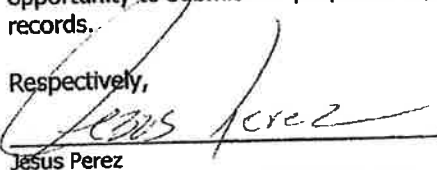
We hereby propose to furnish all labor, materials, and equipment to perform the following:

**Monthly maintenance cost for the added area to current M2201 E. Lodi Ave. @ Cherokee Ln. location.....\$ 48.58/mth**

**ADDITIONAL COST PER MONTH.....\$ 48.58/mth**

The total amount will be due upon completion of all work. We would like to thank you for the opportunity to submit this proposal. Upon approval, please sign and return to our office for our records.

Respectively,

  
Jesus Perez  
DOMINGUEZ LANDSCAPE SERVICES, INC.  
Dominguez Landscape Services, Inc.  
CA State Contractor Lic. #560128  
C27 - Landscaping & A - General Engineering Contractor  
CA State Pest Control Lic. #30509  
CA State Nursery Stock Lic. #B2584.001

Date:

  
Accepted By:

Date:



## EXHIBIT B

**Insurance Requirements for Contractor** The Contractor shall take out and maintain during the life of this contract, insurance coverage as listed below. These insurance policies shall protect the Contractor and any subcontractor performing work covered by this contract from claims for damages for personal injury, including accidental death, as well as from claims for property damages, which may arise from Contractor's operations under this contract, whether such operations be by Contractor or by any subcontractor or by anyone directly or indirectly employed by either of them, and the amount of such insurance shall be as follows:

- |  |   |
|--|---|
| 1. <b><u>COMPREHENSIVE GENERAL LIABILITY</u></b> | 2. <b><u>COMPREHENSIVE AUTOMOBILE LIABILITY</u></b> |
| \$2,000,000 Ea. Occurrence                       | \$1,000,000 Bodily Injury - Ea. Person              |
|  | \$1,000,000 Bodily Injury - Ea. Occurrence          |
| \$4,000,000 Aggregate                            | \$1,000,000 Property Damage - Ea. Occurrence        |

NOTE: Contractor agrees and stipulates that any insurance coverage provided to the City of Lodi shall provide for a claims period following termination of coverage which is at least consistent with the claims period or statutes of limitations found in the California Tort Claims Act (California Government Code Section 810 et seq.).

NOTE: (1) The street address of the **CITY OF LODI** must be shown along with (a) and (b) above: 221 West Fine Street, Lodi, California, 95241-1910; (2) The insurance certificate must state, on its face or as an endorsement, a description of the project that it is insuring.

A copy of the certificate of insurance with the following endorsements shall be furnished to the City:

- (a) **Additional Named Insured Endorsement**  
Such insurance as is afforded by this policy shall also apply to the City of Lodi, its elected and appointed Boards, Commissions, Officers, Agents, Employees, and Volunteers as additional named insureds.  
  
(This endorsement shall be on a form furnished to the City and shall be included with Contractor's policies.)
- (b) **Primary Insurance Endorsement**  
Such insurance as is afforded by the endorsement for the Additional Insureds shall apply as primary insurance. Any other insurance maintained by the City of Lodi or its officers and employees shall be excess only and not contributing with the insurance afforded by this endorsement.
- (c) **Severability of Interest Clause**  
The term "insured" is used severally and not collectively, but the inclusion herein of more than one insured shall not operate to increase the limit of the company's liability.
- (d) **Notice of Cancellation or Change in Coverage Endorsement**  
This policy may not be canceled nor the coverage reduced by the company without 30 days' prior written notice of such cancellation or reduction in coverage to the Risk Manager, City of Lodi, 221 W. Pine St., Lodi, CA 95240.

**Compensation Insurance** The Contractor shall take out and maintain during the life of this contract, Worker's Compensation Insurance for all of Contractor's employees employed at the site of the project and, if any work is sublet, Contractor shall require the subcontractor similarly to provide Worker's Compensation Insurance for all of the latter's employees unless such employees are covered by the protection afforded by the Contractor. In case any class of employees engaged in hazardous work under this contract at the site of the project is not protected under the Worker's Compensation Statute, the Contractor shall provide and shall cause each subcontractor to provide insurance for the protection of said employees. This policy may not be canceled nor the coverage reduced by the company without 30 days' prior written notice of such cancellation or reduction in coverage to the Risk Manager, City of Lodi, 221 W. Fine St., Lodi, CA 95240. A Waiver of Subrogation against the City of Lodi is required.

NOTE: No contract agreement will be signed nor will *any* work begin on a project until the proper insurance certificate is received by the City.

CITY OF LODI  
PUBLIC WORKS DEPARTMENT

CONTRACT CHANGE ORDER NO. 1

Sheet 1 of 1  
Date March 31, 2011  
Account No. 3215036

PROJECT: Maintenance of Miscellaneous Landscape Areas 2011, Extra Sites

CONTRACTOR: Dominguez Landscape Services, Inc

You are directed to make the following changes or do the following work not included in the original Plans and Specifications on this contract.

----- 2011 -----  
 Add Reynolds Ranch sites U2025, U2027, U2026, U2076, U2077, U2086, V207, V2018, V2019, V2029, V2120, V2133, V2122, V2123, ~~V2133~~, V2137, V2126, V2147, as per attached quote for \$465.00 per month starting April 2011. Total cost \$4,185.00

Add E. Lodi Avenue sites L2190, M2209, M2201 as per the attached quote for \$156.00 per month starting April 2011. Total cost \$1,404.00

Total Both Areas \$5,589.00

PERCENT OF  
CONTRACT

Original Contract Price	\$141,708	
Total Cost of This Change Order NOT TO EXCEED		3.94%
Previous Change Orders	\$0	
Total Cost of All Change Orders to Date	\$5,589.00	3.94%
Contract Price, including All Change Orders, Will Be:	\$147,297.00	

Time of completion will be adjusted as follows: N/A

Submitted By Curtis JuranDate: March 31, 2011Approval Recommended AKRDate 3/31/11Approved, Public Works Director Wally SeandelDate 4/4/11

Approved, City Manager (Per Public Works Policies and Procedures, Administration 4.1)

NA

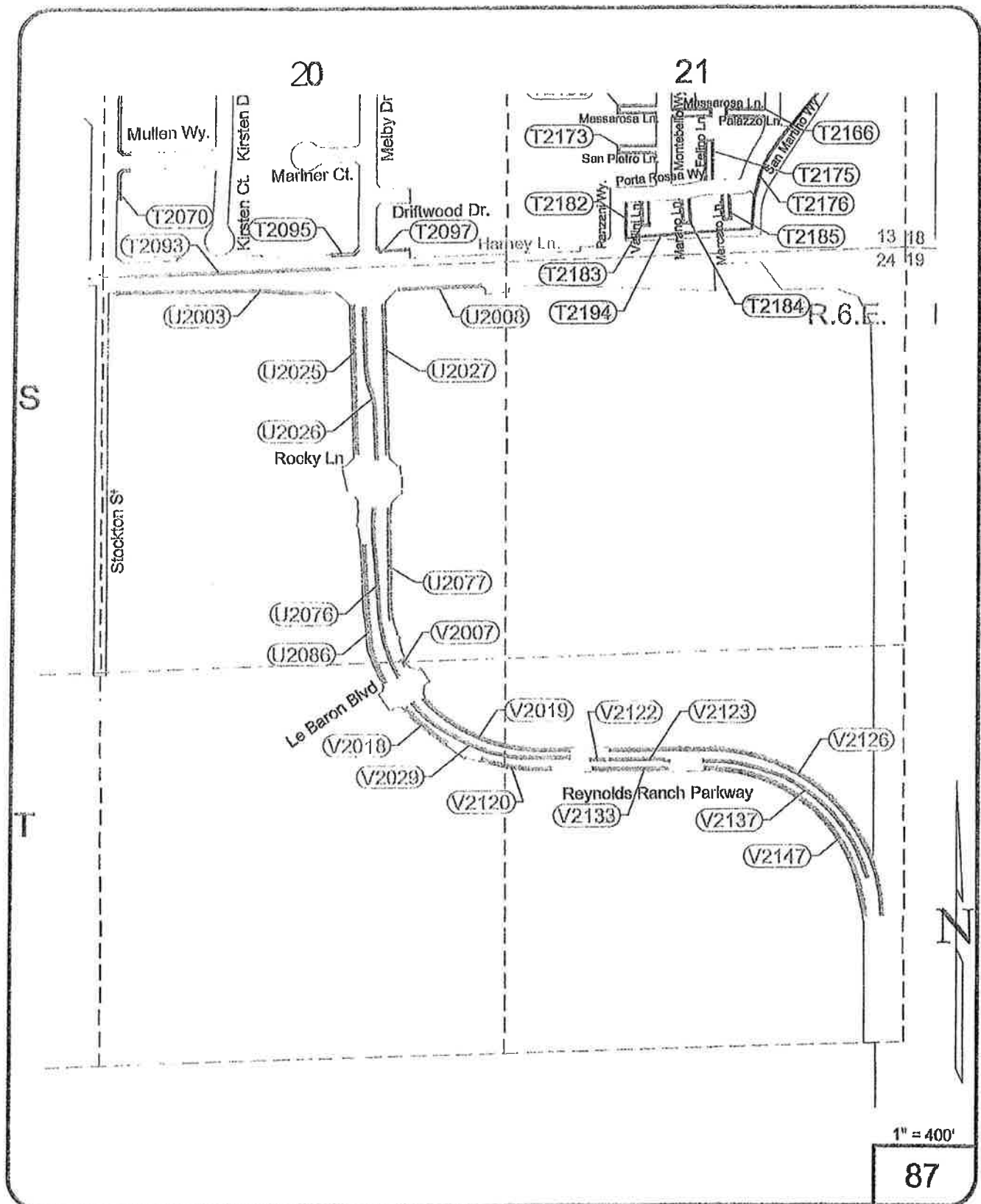
Date \_\_\_\_\_

The undersigned contractor, having carefully considered the change proposed, agrees, if this proposal is approved, to provide all equipment, furnish all materials, except as otherwise noted above, perform all services necessary for the work above specified, and accept as full payment the prices shown above.

ACCEPTED: Date 3/31/11Contractor Dominguez Landscape Services, IncBy [Signature]Title President

If the contractor does not sign acceptance of this order, the contractor should refer to Section 4-1.03A of the Standard Specifications regarding filing a written protest within the specified time.





CITY OF LODI  
PUBLIC WORKS DEPARTMENT

CONTRACT CHANGE ORDER NO. 2

Sheet 1 of 1  
Date May 3, 2011  
Account No. 3215036

PROJECT: Maintenance of Miscellaneous Landscape Areas 2011

CONTRACTOR: Dominguez Landscape Services, Inc

You are directed to make the following changes or do the following work not included in the Plans and Specifications on this contract.

Add additional arm for E. Lodi Avenue sites M2201 as per the attached quote for \$48.58 per month starting May 2011. Total cost \$388.64

		PERCENT OF CONTRACT
Original Contract Price	\$141,708	
Total Cost of This Change Order NOT TO EXCEED	\$308.61	0.27%
Previous Change Orders	\$5,589.00	3.94%
Total Cost of All Change Orders to Date	\$5,977.64	4.21%
Contract Price, Including All Change Orders, Will Be:	\$147,695.64	

Time of completion will be adjusted as follows: N/A

Submitted By Curtis Juran Date: May 3, 2011  
Approval Recommended C. Juran Date 5-5-11  
Approved, Public Works Director Wally Janacek Date 5/5/11  
Approved, City Manager (Per Public Works Policies and Procedures, Administration 4.1)  
Date \_\_\_\_\_

The undersigned contractor, having carefully considered the change proposed, agrees, if this proposal is approved, to provide all equipment, furnish all materials, except as otherwise noted above, perform all services necessary for the work above specified, and accept as full payment the prices shown above.

ACCEPTED: Date 5/4/11

Contractor Dominguez Landscape Services, Inc

By [Signature]

Title President

If the contractor does not sign acceptance of this order, the contractor should refer to Section 4-1.03A of the Standard Specifications regarding filing a written protest within the specified time.



SERVICES INC.

Specialists since 1980  
Residential • Commercial • Public Works  
Licensed: Class A & C-27  
State Contractor's License #560128

May 2, 2011

City of Lodi  
1331 South Ham Lane  
Lodi, CA 95241

ATTN: Curt Juran  
REF: City of Lodi Landscape Maintenance  
SUB: M2201 - Lodi Ave. @ Cherokee Ln.

Dear Mr. Juran:

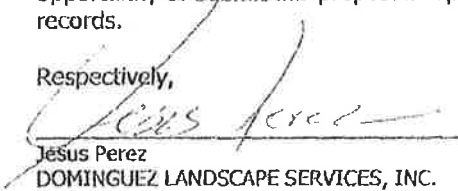
We hereby propose to furnish all labor, materials, and equipment to perform the following:

**Monthly maintenance cost for the added area to current M2201 E. Lodi Ave. @ Cherokee Ln. location.....\$ 48.58/mth**


**ADDITIONAL COST PER MONTH.....\$ 48.58/mth**

The total amount will be due upon completion of all work. We would like to thank you for the opportunity to submit this proposal. Upon approval, please sign and return to our office for our records.

Respectively,

  
Jesus Perez  
DOMINGUEZ LANDSCAPE SERVICES, INC.  
Dominguez Landscape Services, Inc.  
CA State Contractor Lic. #560128  
C27 - Landscaping & A - General Engineering Contractor  
CA State Pest Control Lic. #30509  
CA State Nursery Stock Lic. #B2584.001

Date:

  
Accepted By:

Date:

CITY OF LODI  
PUBLIC WORKS DEPARTMENT

CONTRACT CHANGE ORDER NO. 1

Sheet 1 of 1  
Date: 2/07/12  
Account No. 3215036

PROJECT: Maintenance of Miscellaneous Landscape Areas 2012

CONTRACTOR: Dominguez Landscape Services, Inc

You are directed to make the following changes or do the following work not included in the Plans and Specifications on this contract.

Add additional area for E. Lodi Avenue site L2190 as per the attached quote for \$122.50 per month starting March 2012.  
**Total cost (Not to Exceed) \$1,225.00**

PERCENT OF  
CONTRACT

Original Contract Price	\$ 149,742.96	
Total Cost of This Change Order NOT TO EXCEED	\$ 1,225.00	0.82%
Previous Change Orders	\$ 0.00	0.00%
Total Cost of All Change Orders to Date	\$ 1,225.00	0.82%
Contract Price, Including All Change Orders, Will Be:	\$ 150,967.96	

Time of completion will be adjusted as follows: N/A

Submitted By [Signature] Date 2/13/12

Approval Recommended [Signature] Date 2.13.12

Approved, Public Works Director [Signature] Date 2/22/12

Approved, City Manager (Per Public Works Policies and Procedures, Administration 4.1)

Date \_\_\_\_\_

The undersigned contractor, having carefully considered the change proposed, agrees, if this proposal is approved, to provide all equipment, furnish all materials, except as otherwise noted above, perform all services necessary for the work above specified, and accept as full payment the prices shown above.

ACCEPTED: Date 2/8/12

Contractor Dominguez Landscape Services, Inc.

By [Signature]

Title Owner / President.

If the contractor does not sign acceptance of this order, the contractor should refer to Section 4-1.03A of the Standard Specifications regarding filing a written protest within the specified time.

**CITY OF LODI  
PUBLIC WORKS DEPARTMENT**

**CONTRACT CHANGE ORDER NO. 2**

Sheet 1 of 1  
Date: 08/06/12  
Account No. 3215036

PROJECT: Maintenance of Miscellaneous Landscape Areas 2012

CONTRACTOR: Dominguez Landscape Services, Inc

You are directed to make the following changes or do the following work not included in the Plans and Specifications on this contract.

-----  
Add additional area for Harney Lane sites T2093, U2003, & U2008 as per the attached quote for \$119.44 per month starting September 2012.

Total Cost \$477.76

Extra Work: Replace 310 sprinkler risers with 12" pop-ups and incidental work for sites J1109 and J1189 on Lower Sacramento Road between Elm Street to Tejon Street:

Total Cost \$8,974.50

**Total cost (Not to Exceed) \$9,452.26**

		PERCENT OF CONTRACT
Original Contract Price	\$ 149,742.96	
Total Cost of This Change Order NOT TO EXCEED	\$ 9,452.26	6.31%
Previous Change Orders	\$ 1,225.00	0.82%
Total Cost of All Change Orders to Date	\$ 10,677.26	7.13%
Contract Price, Including All Change Orders, Will Be:	\$ 160,420.22	

Time of completion will be adjusted as follows: N/A

Submitted By [Signature] Date 8/22/12

Approval Recommended [Signature] Date 8-22-12

Approved, Public Works Director [Signature] Date 8/23/12

Approved, City Manager (Per Public Works Policies and Procedures, Administration 4.1)

\_\_\_\_\_  
Date \_\_\_\_\_

The undersigned contractor, having carefully considered the change proposed, agrees, if this proposal is approved, to provide all equipment, furnish all materials, except as otherwise noted above, perform all services necessary for the work above specified, and accept as full payment the prices shown above.

ACCEPTED: Date 8/20/12

Contractor Dominguez Landscape Services, Inc.

By [Signature]

Title General Manager

If the contractor does not sign acceptance of this order, the contractor should refer to Section 4-1.03A of the Standard Specifications regarding filing a written protest within the specified time.

5781

## CONTRACT EXTENSION AGREEMENT

2012 MAINTENANCE OF MISCELLANEOUS LANDSCAPE AREA  
ANNUAL CONTRACT

THIS CONTRACT EXTENSION AGREEMENT, made and entered this 19<sup>th</sup> day of October, 2011, by and between the CITY OF LODI, a municipal corporation, hereinafter called "Owner", and DOMINGUEZ LANDSCAPE SERVICES, INC., hereinafter called "Contractor."

WITNESSETH:


1. WHEREAS; Contractor and Owner entered into the 2011 Maintenance of Miscellaneous Landscape Area Contract on December 21, 2010, providing that the contract could be extended by mutual agreement of both parties. WHEREAS; both parties desire to extend the contract in accordance with Section 5.000 E. Option to Renew of the Special Provisions. WHEREAS; the contract incorporates additional work set forth in Contract Change Orders 1 and 2 approved on April 4, 2011 and May 5, 2011, respectively. Whereas the contract shall not exceed the new contract price of \$149,742.96 for the duration of this extension.
2. TERM AND TERMS: The term of this Contract Extension Agreement shall be for a period of one (1) year, commencing January 1, 2012 and terminating December 31, 2012. All other terms and conditions will remain as set forth as reflected in the 2011 Maintenance of Miscellaneous Landscape Area Contract, attached hereto as Exhibit A and made a part hereof as though fully set forth herein.
3. INSURANCE: Contractor shall provide insurance as set forth in the attached Exhibit B, Insurance Requirements for Contractor.

IN WITNESS WHEREOF, Owner and Contractor have executed this Contract Extension Agreement on December 5, 2011.


CITY OF LODI, a municipal corporation  
hereinafter called "Owner"

  
\_\_\_\_\_  
KONRADT BARTLAM  
City Manager

DOMINGUEZ LANDSCAPE SERVICES, INC.  
hereinafter called "Contractor"

  
\_\_\_\_\_  
ROBERT DOMINGUEZ  
President

Attest:

  
\_\_\_\_\_  
RANDI JUHL, City Clerk

Approved as to Form:

  
\_\_\_\_\_  
D. STEPHEN SCHWABAUER, City Attorney

RESOLUTION NO. 2012-\_\_\_\_\_

A RESOLUTION OF THE LODI CITY COUNCIL  
AUTHORIZING CITY MANAGER TO EXECUTE  
SIX-MONTH EXTENSION OF CONTRACT FOR  
CITY-FUNDED MAINTENANCE OF CONSOLIDATED  
LANDSCAPED AREAS

=====

WHEREAS, on November 17, 2010, City Council awarded the contract for the City-Funded Maintenance of Consolidated Landscape Areas to Dominguez Landscape Services, Inc., of Sacramento, California; and

WHEREAS, the specifications included an option to renew the contract; and

WHEREAS, the City Council authorized a one-year extension of the contract on October 19, 2011; and

WHEREAS, Dominguez Landscape Services, Inc., has offered to extend the existing contract prices through June 30, 2013, with no cost increase; and

WHEREAS, staff recommends executing a six-month extension of the contract with Dominguez Landscape Services, Inc.

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council does hereby approve the six-month extension of the contract with Dominguez Landscape Services, Inc., of Sacramento, California, for the City-Funded Maintenance of Consolidated Landscaped Areas, in the amount of \$76,323.12; and

BE IT FURTHER RESOLVED that the City Council does hereby authorize the City Manager to execute the contract extension.

Dated: December 5, 2012

=====

I hereby certify that Resolution No. 2012-\_\_\_\_\_ was passed and adopted by the City Council of the City of Lodi in a regular meeting held December 5, 2012, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

RANDI JOHL  
City Clerk



## **CITY OF LODI COUNCIL COMMUNICATION**

**AGENDA TITLE:** Set Public Hearing for December 19, 2012 to Extend Interim Ordinance No. 1867, an Uncodified Interim Urgency Ordinance Imposing a Moratorium on 1) The Outdoor Cultivation of Medical Marijuana Within the City of Lodi and 2) The Indoor Cultivation of Medical Marijuana that Creates a Public Nuisance

**MEETING DATE:** December 5, 2012

**PREPARED BY:** City Attorney's Office

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**RECOMMENDED ACTION:** Set public hearing for December 19, 2012 to extend interim Ordinance No. 1867, an uncodified interim urgency Ordinance imposing a moratorium on 1) the outdoor cultivation of medical marijuana within the City of Lodi and 2) the indoor cultivation of medical marijuana that creates a public nuisance.

**BACKGROUND INFORMATION:** On November 7, 2012 the Council adopted Interim Ordinance No. 1867 establishing a 45-day moratorium on 1) the outdoor cultivation of medical marijuana within the City of Lodi and 2) the indoor cultivation of medical marijuana that creates a public nuisance.

Staff recommends that provisions should be added to the City's Municipal Code that place zoning restrictions on the cultivation of medical marijuana within the City if that is the desire of the Council. To do so, however, staff from the City Attorney's Office and the Police Department need adequate time to meet with members of the community, including members of the community currently cultivating marijuana for medicinal needs, and to study and analyze the complicated legal and practical issues involved in regulating the cultivation of marijuana for medical use, including a review the City's General Plan and the zoning ordinances, and to make recommendations for the Council's consideration. Unfortunately, the initial 45 days will be inadequate to prepare a comprehensive approach for Council consideration.

Government Code Section 65858 provides that the Council, may, after notice to the public pursuant to Government Code Section 65090 and a public hearing, extend Interim Ordinance No. 1867 for a period of 10 months and 15 days. The extension requires a minimum four-fifths (4/5) vote to be adopted. (An additional one-year extension is permissible under Section 65858(a)).

As proposed, the recommended extension of Interim Ordinance No. 1867 would extend the current 45-day moratorium on 1) the outdoor cultivation of medical marijuana within the City of Lodi and 2) the indoor cultivation of medical marijuana that creates a public nuisance to November 6, 2013. Without the proposed extension, Interim Ordinance 1822 will be of no further force and effect after December 22, 2012.

**FISCAL IMPACT:** None.

**FUNDING:** None.

cc: Mark Helms, Police Chief

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Janice D. Magdich  
Deputy City Attorney

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APPROVED:

Konradt Bartlam, City Manager



**Comments by the public on non-agenda items**

**THE TIME ALLOWED PER NON-AGENDA ITEM FOR COMMENTS MADE BY THE PUBLIC IS LIMITED TO FIVE MINUTES.**

The City Council cannot deliberate or take any action on a non-agenda item unless there is factual evidence presented to the City Council indicating that the subject brought up by the public does fall into one of the exceptions under Government Code Section 54954.2 in that (a) there is an emergency situation, or (b) the need to take action on the item arose subsequent to the agenda's being posted.

Unless the City Council is presented with this factual evidence, the City Council will refer the matter for review and placement on a future City Council agenda.

**Comments by the City Council Members on non-agenda items**



# CITY OF LODI

## COUNCIL COMMUNICATION

**AGENDA TITLE:** Appointments to the Lodi Animal Advisory Commission, Lodi Senior Citizens Commission, Recreation Commission, and the San Joaquin Valley Unified Air Pollution Control District Citizens Advisory Committee

**MEETING DATE:** December 5, 2012

**PREPARED BY:** City Clerk

**RECOMMENDED ACTION:** Concur with the Mayor's appointments to the Lodi Animal Advisory Commission, Lodi Senior Citizens Commission, Recreation Commission, and the San Joaquin Valley Unified Air Pollution Control District Citizens Advisory Committee.

**BACKGROUND INFORMATION:** On October 17, 2012, the City Council directed the City Clerk to post for expiring terms on various boards and commissions. The Mayor reviewed the applications, conducted interviews, and recommends that the City Council concur with the following appointments.

**Lodi Animal Advisory Commission**

Hayim "Hy" Cohen Term to expire December 31, 2015  
 Phillip N. Laughlin Term to expire December 31, 2015

NOTE: Four applicants (two seeking reappointment and two applications on file); posting ordered 10/17/12; application deadline 11/19/12

**Lodi Senior Citizens Commission**

Robert N. Anderson Term to expire December 31, 2016  
 Mark Sey Term to expire December 31, 2016

NOTE: Seven applicants (one seeking reappointment, two new applications, and four on file); posting ordered 10/17/12; application deadline 11/19/12

**Recreation Commission**

Ethan Chelli Term to expire December 31, 2016  
 Larry G. Long Term to expire December 31, 2016

NOTE: Four applicants (two seeking reappointment and two new applications); posting ordered 10/17/12; application deadline 11/19/12

**San Joaquin Valley Unified Air Pollution Control District Citizens Advisory Committee**

Randall Blank Term to expire January 31, 2016

NOTE: One applicant (one seeking reappointment); posting ordered 10/17/12; application deadline 11/19/12

Government Code Section 54970 et seq. requires that the City Clerk post for vacancies to allow citizens interested in serving to submit an application.

**FISCAL IMPACT:** None.

**FUNDING AVAILABLE:** Not applicable.

\_\_\_\_\_  
 Randi Johl, City Clerk

RJ/JMR

**APPROVED:** \_\_\_\_\_  
 Konradt Bartlam, City Manager



## **CITY OF LODI COUNCIL COMMUNICATION**

**AGENDA TITLE:** Adopt Resolution Certifying the Election Results of the November 6, 2012, General Municipal Election and Adopt Resolutions Reorganizing the Lodi City Council

**MEETING DATE:** December 5, 2012

**PREPARED BY:** City Clerk

---

**RECOMMENDED ACTION:** Adopt resolution certifying the election results of the November 6, 2012, General Municipal Election and adopt resolutions reorganizing the Lodi City Council.

**BACKGROUND INFORMATION:** The General Municipal Election for the City of Lodi was held on November 6, 2012. The San Joaquin County Registrar of Voters office is in the process of completing the canvass of election. The certified results will be sent to the City Clerk's office prior to the December 5, 2012, Council meeting. The certification will be forwarded to the City Council on blue sheet and attached to the accompanying resolution as Exhibit A.

Following the adoption of the resolution certifying the election results, the reorganization of the City Council will take place as follows:

- Presentation to outgoing Mayor by City Manager.
- In accordance with California Elections Code §10265, the City Clerk will administer the Oath of Office to Lodi City Council Members Elect and present Certificates of Election.
- The City Clerk will then conduct the election for the office of Mayor.
- Following the election, the newly elected Mayor will then conduct the election for the office of Mayor Pro Tempore.
- The newly elected Mayor will then conduct the remaining business on the agenda and adjourn the meeting.

**FISCAL IMPACT:** None required.

**FUNDING AVAILABLE:** None required.

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Randi Johl, City Clerk

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**APPROVED:** \_\_\_\_\_  
Konradt Bartlam, City Manager

RESOLUTION NO. 2012-\_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LODI,  
CALIFORNIA, RECITING THE FACT OF THE GENERAL MUNICIPAL ELECTION  
HELD ON NOVEMBER 6, 2012, DECLARING THE RESULT AND  
SUCH OTHER MATTERS AS PROVIDED BY LAW

---

WHEREAS, a General Municipal Election was held and conducted in the City of Lodi, California, on Tuesday, November 6, 2012, as required by law; and

WHEREAS, notice of the election was given in time, form, and manner as provided by law; that candidates were nominated to fill the vacancy or vacancies as provided by law; that voting precincts were properly established; that election officers were appointed and that in all respects the election was held and conducted and the votes were cast, received, and canvassed and the returns made and declared in time, form, and manner as required by the provisions of the laws of the State of California relating to general law cities; and

WHEREAS, pursuant to State statute, the San Joaquin County Registrar of Voters' Office canvassed the returns of the election and has certified the results to this City Council; the results are received, attached, and made a part hereof as "Exhibit A."

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LODI, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE, AND ORDER AS SHOWN ON EXHIBIT A:

SECTION 1. That the total whole number of ballots cast in the City was \_\_\_\_\_.

That the names of persons voted for at the election for Member, City Council, are as follows:

Doug (Keen) Kuehne  
JoAnne L. Mounce  
Bob Johnson

SECTION 2. That the number of votes given at each precinct and the number of votes given in the City to each of the persons named above for the respective offices, for which the persons were candidates, and for and against each measure named above is as listed in the attached Exhibit A.

SECTION 3. The City Council does declare and determine that JoAnne L. Mounce was elected as Council Member for the full term of four years and Bob Johnson was elected as Council Member for the full term of four years.

SECTION 4. The City Clerk shall enter on the records of the City Council of the City, a statement of the result of the election, showing: (1) the whole number of votes (ballots) cast in the City; (2) the names of the persons voted for; (3) the measure voted upon; (4) for what office each person was voted for; (5) the number of votes given at each precinct to each person and for and against the measures; and (6) the total number of votes given to each person and for and against the measure. Said information is set forth in this Resolution and the documentation attached hereto as Exhibit A.

SECTION 5. That the City Clerk shall immediately make and deliver to each of the persons so elected a Certificate of Election signed by the City Clerk and authenticated; that the City Clerk shall also administer to each person elected the Oath of Office prescribed in the Constitution of the State of California and shall have them subscribe to it and file it in the office of the City Clerk. Each and all of the persons so elected shall then be inducted into the respective office to which they have been elected.

SECTION 6. That the City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

Dated: December 5, 2012

=====

I hereby certify that Resolution No. 2012-\_\_\_\_ was passed and adopted by the City Council of the City of Lodi in a regular meeting held December 5, 2012, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

RANDI JOHL  
City Clerk

RESOLUTION NO. 2012-\_\_\_\_\_

A RESOLUTION OF THE LODI CITY  
COUNCIL CONFIRMING THE ELECTION  
OF THE MAYOR

---

WHEREAS, reorganization of the City Council takes place at the first regular meeting in December each year; and

WHEREAS, during the reorganization, an election is held by the Council as a whole by nomination and vote for the positions of Mayor and Mayor Pro Tempore; and

WHEREAS, at its meeting held December 5, 2012, \_\_\_\_\_ was elected to serve as Mayor for a one-year period.

NOW, THEREFORE, BE IT RESOLVED by the Lodi City Council that Resolution No. 2012-\_\_\_\_\_ is hereby adopted confirming the election of \_\_\_\_\_ as Mayor of the City of Lodi for a one-year period; and

BE IT FURTHER RESOLVED that this resolution shall take effect immediately upon its passage.

DATED: December 5, 2012

---

I hereby certify that Resolution No. 2012-\_\_\_\_\_ was passed and adopted by the Lodi City Council in a regular meeting held December 5, 2012, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

RANDI JOHL  
City Clerk

2012-\_\_\_\_\_

RESOLUTION NO. 2012-\_\_\_\_\_

A RESOLUTION OF THE LODI CITY  
COUNCIL CONFIRMING THE ELECTION OF  
THE MAYOR PRO TEMPORE

---

WHEREAS, reorganization of the City Council takes place at the first regular meeting in December each year; and

WHEREAS, during the reorganization, an election is held by the Council as a whole by nomination and vote for the positions of Mayor and Mayor Pro Tempore; and

WHEREAS, at its meeting held December 5, 2012, \_\_\_\_\_ was elected to serve as Mayor Pro Tempore for a one-year period.

NOW, THEREFORE, BE IT RESOLVED by the Lodi City Council that Resolution No. 2012-\_\_\_\_\_ is hereby adopted confirming the election of \_\_\_\_\_ as Mayor Pro Tempore of the City of Lodi for a one-year period; and

BE IT FURTHER RESOLVED that this resolution shall take effect immediately upon its passage.

DATED: December 5, 2012

---

I hereby certify that Resolution No. 2012-\_\_\_\_\_ was passed and adopted by the Lodi City Council in a regular meeting held December 5, 2012, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

RANDI JOHL  
City Clerk

2012-\_\_\_\_\_